



250.20

STATE OF CALIFORNIA  
Edmund G. Brown, Jr., Governor

**MINUTES**  
**WEDNESDAY, NOVEMBER 7, 2018**  
**SAN JOAQUIN RIVER CONSERVANCY**

5469 E. Olive Avenue  
Fresno, California 93727  
Telephone (559) 253-7324  
Fax (559) 456-3194  
[www.sjrc.ca.gov](http://www.sjrc.ca.gov)

**GOVERNING BOARD**

Brett Frazier, Chairperson  
*Supervisor,  
Madera County Board of Supervisors*

William Oliver, Vice-Chairperson  
*Councilmember, City of Madera*

Andreas Borgeas, *Supervisor  
Fresno County Board of Supervisors*

Steve Brandau  
*Councilmember, City of Fresno*

Kacey Auston, *Director, Fresno  
Metropolitan Flood Control District*

Carl Janzen, *Director  
Madera Irrigation District*

Julie Vance, *Regional Manager  
Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent  
Department of Parks & Recreation*

John Donnelly, *Executive Director  
Wildlife Conservation Board*

Julie Alvis, *Deputy Assistant Secretary  
Natural Resources Agency*

Jennifer Lucchesi, *Executive Officer  
State Lands Commission*

Karen Finn, *Program Budget Manager  
Department of Finance*

Bryn Forhan  
Paul Gibson  
Vacant  
*Citizen Representatives*

**Meeting Location:**

**Fresno Metropolitan Flood Control District**  
**5469 E. Olive, Fresno CA 93727**

and the following location is available to Board members and the public to participate via teleconference:  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311, Sacramento CA 95814

**MEETING AGENDA**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mr. Frazier called the meeting to order at 10:35 a.m. and Mr. Gresham led the pledge of allegiance.

**A. ROLL CALL**

Name	Present	Telecon- ference	Absent	Late
Mr. Brett Frazier	X			
Mr. Will Oliver			X	
Mr. Andreas Borgeas				X
Mr. Steve Brandau	X			
Ms. Kacey Auston	X			
Mr. Carl Janzen	X			
Ms. Julie Alvis	X			
Mr. Gerald Hatler	X			
Mr. Kent Gresham	X			
Mr. John Donnelly		X		
Mr. Collin Connor		X		
Ms. Karen Finn		X		
Ms. Bryn Forhan	X			
Mr. Paul Gibson	X			

Ms. Bains confirmed a quorum was present.

Legal Counsel Present: Michael Crow, Deputy Attorney General

Staff Present: Melinda Marks, Special Consultant  
Rebecca Raus, Associate Governmental Program Analyst  
Jasanjit Bains, Staff Services Analyst  
Heidi West, Program Manager, San Joaquin River Conservancy  
Projects, Wildlife Conservation Board (WCB)

**B. ADDITIONS TO THE AGENDA**

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code § 54954.2(b)(2))

There were no additions to the Agenda.

**C. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

Mr. Hatler recused himself from agenda item D-2.

Mr. Borgeas arrived at 10:38 a.m.

**D. EXECUTIVE SESSION**

**Public Comment:** Before convening in **closed session**, members of the public will be provided the opportunity to comment on Executive Session agenda items.

There were no comments from the public.

D-1 Government Code Section 54957, Public Employee Appointment, Executive Officer  
Consider recommendation of the Board Ad Hoc Committee to appoint a candidate to the position of Executive Officer of the San Joaquin River Conservancy

D-2 Conference with Legal Counsel—Anticipated Litigation

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: 1 potential case. Lessee: Bluff Pointe Golf Center

Mr. Crow reported out of Executive Session and stated with respect to item D-2 regarding Bluff Pointe Golf Course; the Board gave executive staff further direction regarding how to proceed with the lease. With respect to item D-1; the Board accepted and approved, unanimously, to accept the ad hoc committee recommendation to hire Mr. John Shelton as the Executive Officer of the Conservancy with a salary beginning at \$112,452 annually.

The Oath of Office was read by Mr. Crow and taken by Mr. Shelton to serve as the Executive Officer of the Conservancy.

Mr. Shelton introduced himself and mentioned he has 30-years of experience working for the State of California as an environmental scientist. He and his family have roots in Fresno, have been residents in the area for 35 years, and have raised their kids here. He would like to

continue to work with current partners and would like to work collaboratively with other entities. Mr. Shelton stated the Conservancy has done great things in the past and he foresees a positive outlook while employed in this position.

**E. PUBLIC COMMENT AND BUSINESS FROM THE FLOOR**

Ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

There were no comments from the public.

Mr. Borgeas announced today will be his last day serving as the member of the Conservancy Board. He thanked the Board members and recognized the value of the Conservancy's work to the community. He wished Ms. Marks the best on her new ventures as she has retired from the Executive Officer position. He congratulated Mr. Shelton as the new Executive Officer.

**F. CONSENT CALENDAR**

F-1 Approve Minutes of September 5, 2018

F-2 Receive and File in the Record a Letter from Fresno for Parks dated September 24, 2018, Clarifying City of Fresno Measure P, Section 7-1410 (c) is Not Intended to Apply to the San Joaquin River and the Palm Avenue Corridor

Mr. Janzen moved to approve the items on the consent calendar as recommended by staff: Ms. Forhan seconded the motion. The motion passed unanimously as follows:

Name	Yes	No	Abstain
Mr. Frazier	X		
Mr. Borgeas	X		
Mr. Brandau	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Alvis	X		
Mr. Hatler	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Mr. Connor	X		
Ms. Finn	X		
Ms. Forhan	X		
Mr. Gibson	X		

## **G. DISCUSSION ITEMS**

None.

## **H. ADMINISTRATIVE AND COMMITTEE REPORTS**

### **H-1 Organizations**

If time allows, the following oral reports will be provided for informational purposes only, and may be accompanied by written reports in the Board packet. No action of the Board is recommended.

#### **H-1a San Joaquin River Parkway and Conservation Trust**

Ms. Sharon Weaver, Executive Director, invited the Board, Mr. Shelton, and attendees to a ribbon cutting ceremony for the new barn construction at the River Center on Thursday, November 15, 2018 at 9:30 a.m.

#### **H-1b RiverTree Volunteers**

Mr. Richard Sloan reviewed projects completed by the RiverTree Volunteers. He wished Mr. Borgeas luck and congratulated him for his win in the election for the State Senate District 8 seat in Sacramento. He welcomed Mr. Shelton as the new Executive Officer.

### **H-2 Deputy Attorney General Report**

There were no items to report.

### **H-3 Executive Officer Report**

#### **H-3a River West Fresno and North Palm Access Implementation Work Group, October 24, 2018, Meeting Notes**

#### **RECOMMENDATION:**

This report is for informational purposes. No Board action is recommended.

Ms. Marks reported that the River West Implementation Work Group meeting was held on October 24, 2018. There continues to be progress on all benchmarks as follows:

A revised post-closure land use plan has been sent in October by the SJRAC to the regulatory agencies for review.

The Conservancy Board identified at the September 5, 2018, meeting its concerns about the Spano easement and provided direction to the SJRAC regarding easement negotiations. There have been successful negotiations addressing the predominant concerns brought up by Board members.

One of the concerns of the Board was what would happen if the SJRAC were to dissolve and how its obligations would continue to be met. The Conservancy's legal counsel has indicated that an easement is not the appropriate place to address future longevity of the SJRAC. Easements are attached to the land so that an easement stays with the land regardless of whether the SJRAC remains or if it dissolves and this asset (the fee title) is liquidated (sold). For the Conservancy, this issue would be best addressed in the pending public access agreement between the Conservancy and SJRAC such that the underlying land owner retains the SJRAC's obligations.

The SJRAC and entities are working through the lot line adjustment required to close escrow.

The SJRAC and Conservancy were recently provided a draft of a public access easement from the WCB staff and legal counsel. There will be revisions prior to releasing the draft the document.

The City of Fresno is applying to the Planning Commission for approval of the ordinance exceptions that are necessary to build the access road for the North Palm access. The Planning Commission meeting is scheduled for November 21, but is likely to be held after the Thanksgiving holiday.

Ms. Marks stated there is progress on all benchmarks. The Board will consider at the January 9, 2019, meeting whether the benchmarks have been met satisfactorily to continue with the approved project.

#### BOARD COMMENTS:

Mr. Donnelly asked Ms. Marks if she believes the benchmarks the Board set in December 2017 will be met as the resolution requires, including whether the SJRAC will accept the public access easement with the State.

Ms. Marks replied yes; however, the public access easement has been just recently drafted. By January, the State and the SJRAC can complete negotiations and finalize the easement; however, it will not be possible to have the easement approved and executed by the State by January.

On inquiry from Mr. Donnelly regarding finalizing the easement and moving the project forward, Ms. Marks stated we can finalize the public access easement and have it mutually agreed to by the two parties. WCB staff has made good progress in providing a draft and hopefully the document can be refined by January.

Mr. Donnelly stated the easement needs to be finalized by January. The SJRAC and Mr. Spano need to understand that. The WCB is ready to finalize the easement.

Ms. Marks stated she recently reviewed the draft easement and identified issues that need to be resolved. As for the rest of the benchmarks, they can be achieved by January. With regard to the Spano/SJRAC easement discussed at the September Board meeting, the SJRAC has made revisions with Mr. Spano to resolve the issues which the Board brought up.

Mr. Frazier invited a representative from the SJRAC to speak.

Ms. Rebecca Maddox, attorney at Wanger Jones Helsley PC, filling in for Mr. John Kinsey and representing the SJRAC, thanked the WCB for providing the draft public access easement. She

stated the SJRAC is expecting to get comments back to the WCB and Conservancy soon. The SJRAC is in the process of acquiring title to the property; the City has accepted a lot line adjustment and the corporation will be able to complete their tasks in a matter of weeks.

Mr. Brandau invited Mr. Andrew Benelli, Assistant Director, Public Works Department, City of Fresno, to speak on behalf of the City.

Mr. Benelli stated the lot line adjustment has been fully approved by the City of Fresno and is with the title company. The transfer of property should be approved within the week. He stated the City municipal code prohibits grading within the bluff area; the variance will be on the agenda for the Planning Commission on November 21<sup>st</sup>; the action includes approving the removal of the trees that are within the bluff area. The commission meeting might be rescheduled; however, everything related to the project benchmarks on the City's behalf would be completed by the end of the year.

#### H-4 Board Members' Reports and Comments

Mr. Janzen requested to have "Resolutions of Appreciation" prepared for members who will no longer be serving the Board or have previously served as Board members.

Mr. Frazier thanked Mr. Borgeas for his work and wished him well in Sacramento.

#### I. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS

None.

#### J. NEXT BOARD MEETING DATE

**The December 5, 2018, regularly scheduled Board meeting is hereby cancelled. The next Board meeting shall be held January 9, 2019, at a location to be determined.**

#### K. ADJOURN

Mr. Borgeas adjourned the meeting at approximately 11:45 a.m.

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, [www.sjrc.ca.gov](http://www.sjrc.ca.gov). For further information or if you need reasonable accommodation due to a disability, please contact Jasanjit Bains at (559) 253-7324 or [Jasanjit.Bains@sjrc.ca.gov](mailto:Jasanjit.Bains@sjrc.ca.gov).

**Respectfully Submitted,**



**John M. Shelton, Executive Officer**